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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/820,793 | 04/09/2004 | Torsten Morke | 31512-201672 | 8722 |
| 26694 | 7590 | 02/23/2005 | EXAMINER | |
| VENABLE, BAETJER, HOWARD AND CIVILETTI, LLP P.O. BOX 34385 WASHINGTON, DC 20043-9998 | | | CHAU, MINH H | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2854 | |
| DATE MAILED: 02/23/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/820,793

Applicant(s)

MORKE ET AL.

Examiner

Minh H. Chau

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-6 and 14-20 is/are allowed.
- 6) ☒ Claim(s) 1,7 and 10 is/are rejected.
- 7) ☒ Claim(s) 8,9 and 11-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 09 April 2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Germany on 10/12/2001. It is noted, however, that applicant has not filed a certified copy of the 101 50 272.9 application as required by 35 U.S.C. 119(b).

Specification

2. The abstract of the disclosure is objected to because the abstract containing an improper language of "e.g.". Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 7 and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. (GB 2289941 A) in view of Draghetti (US # 5,735,292).

With respect to **claim 1**, Yamada et al. teach a method monitoring patterns which are applied to a running object (2) by cyclically operated paster, comprising the steps of making discrete images of successive patterns (3) on the running object, forming composite image of the images at least some of the patterns applied during a cycle of the paster and depicting (29) the composite image (see Figs 1-8 and pages 8-10 of Yamada et al.).

Yamada et al. teach all the limitation as explained above, except for the recitation of "a running web of wrapping material for smoker's product".

Draghetti teaches a method for product a filter tip band for cigarettes comprising a running web (4) or wrapping material for smoker's product (see Fig. 1 and cols. 2-3).

In view of this teaching, it would have been obvious to one of skill in the art to modify the method of Yamada et al. to include a use of a web of wrapping material as taught by Draghetti so that more production of the object or wrapping material can be achieve. With respect to the language "for smoker's product" as recited in the preamble, this language is for intended use only, therefore the above teaching can be use for smoker's product.

With respect to **claim 7**, Yamada et al. teach an apparatus for monitoring patterns which are applied to a running object (2) comprising an associated paster (6) arranged to cyclically apply adhesive patterns (3) to successive sections of the running object (2) a camera (8) arranged to make pictures of successive group of patterns, means for evaluating the pictures, including means for making composite images of patterns applied to the running object during a portion at least each cycle of the paster and means for displaying (29) the images (Figs 1-8 and pages 8-10 of Yamada et al.).

Yamada et al. teach all the limitation as explained above, except for the recitation of "a running web of wrapping material for smoker's product".

Draghetti teaches a method for product a filter tip band for cigarettes comprising a running web (4) or wrapping material for smoker's product (see Fig. 1 and cols. 2-3).

In view of this teaching, it would have been obvious to one of skill in the art to modify the method of Yamada et al. to include a use of a web of wrapping material as taught by Draghetti so that more production of the object or wrapping material can be achieved. With respect to the language "for smoker's product" as recited in the preamble, this language is for intended use only, therefore the above teaching can be used for smoker's product.

With respect to **claim 10**, see Figs. 1-2 and pages 8-9 of Yamada et al. that teach the camera (8) is a linear scanning camera arranged to make linear pictures of the patterns on the web.

Allowable Subject Matter

5. **Claims 2-6 and 14-20** are allowed.

6. **Claims 8-9 and 11-13** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is an examiner's statement of reasons for allowance:

Claims 2-6 have been indicated for allowance because the prior art fails to teach the entire combination of a method of optimizing patterns which are applied to a running web of wrapping material for smokers' products by a cyclically operated paster including the steps of initiating changes of the discrete patterns when the comparing step indicates a departure of composite image from the reference image.

Claims 8 and 9 have been indicated for containing allowable subject matter because the prior art fails to teach the entire combination of an apparatus for monitoring patterns which are applied to a running web of wrapping material for smokers' products, including a first signal generating means arranged to furnish to the camera a series of first signals at a first frequency, the first signals denoting the rate of application of patterns by the paster and second signal generating means arranged to transmit to the camera a series of second signals at a second frequency higher than the first frequency, the evaluating means being operatively connected with the camera and the camera being arranged to make a picture substantially in response to each second signal and to transmit the picture to the evaluating means, the evaluating means being arranged to make an image from at least some of the pictures transmitted thereto between successive first signals.

Claim 11 has been indicated for containing allowable subject matter because the prior art fails to teach the entire combination of an apparatus for monitoring patterns which are applied to a running web of wrapping material for smokers' products, including a camera having an objective oriented substantially at a glancing angle to the plane of the pattern being imaged by the camera.

Claims 12 and 13 have been indicated for containing allowable subject matter because the prior art fails to teach the entire combination of an apparatus for monitoring patterns which are applied to a running web of wrapping material for smokers' products including means for generating and integrating into the composite images information derived from the frequency of the signals, the information including control markers denoting the cuts made in the web by the severing means.

Claims 14-20 have been indicated for allowance because the prior art fails to teach the entire combination of an apparatus for optimizing adhesive patterns which are applied serially to a running web of wrapping material for smokers' products by a cyclically operated paster including means for altering the patterns being applied to the web by the paster when the images of the patterns depart from the reference image.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Applicant's attention is invited to the pattern to Oglesby et al. (US # 5,521,233), Maiwald et al. (US # 6,543,457) and Fietkau (US 2002/0023655 A1).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh H. Chau whose telephone number is (571) 272-2156. The examiner can normally be reached on M - TH 9:30AM - 8:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2854

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 21, 2005


MINH CHAU
PRIMARY EXAMINER